

# **Actions to Promote Safe and Caring Schools in Alberta: A Discussion Paper for Consultation**

## **Executive Summary**

**February 1998**



## ALBERTA EDUCATION CATALOGUING IN PUBLICATION DATA

Alberta. Alberta Education.

Actions to promote safe and caring schools in Alberta: a discussion paper for consultation, executive summary.

This discussion paper was developed by Irene MacDonald under contract with Alberta Education.  
ISBN: 0-7732-5221-5

1. School violence – Alberta – Prevention.
  2. Students – Alberta – Attitudes.
  2. Students – Alberta – Conduct of life.
- I. Title. II. MacDonald, Irene.

LB3013.3.A333 1998

271.58

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This document is intended for:

Students	✓
Teachers	✓
Administrators	✓
Counsellors	✓
Parents	✓
General Public	✓

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• address the range of behaviours as well as the education of all students, from the aggressor to the victim, setting aside past perspectives;

• students need to be given opportunities to take responsibility for maintaining safe and caring schools through meaningful and appropriate participation in mechanisms which affect them;

• legislation to promote safe learning and teaching environments must promote development of pro-social behaviour, not simply set new ways of controlling and disciplining aberrant behaviours.



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## Purpose

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Albertans believe that the classroom must be a place where teachers are given opportunities to teach, and students are provided with safe environments favourable to learning. The Minister of Education has stated that providing the best education for students in this province will require dealing with those behaviours which compromise effective teaching and learning.

The *Actions to Promote Safe and Caring Schools in Alberta: A Discussion Paper for Consultation* offers a framework for exploring possible amendments to Alberta's *School Act* that would address violence and seriously disruptive behaviours in our schools. The recommendations presented provide only a few of the options available. The intent is to encourage programs, practices and policies in schools to reduce violent behaviours and to encourage respectfulness and responsibility in students.

Through consultation with parents, teachers, school administrators, education associations and other partners, the government will ensure Alberta schools provide safe and caring learning and teaching environments.

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## Guiding Principles

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It is hoped that discussions among our education partners will include many different strategies that could be considered in efforts to make our schools safer and more caring. The ideas presented in this document, however, are focused on the *School Act*. They have been developed using the following guiding principles:

- maintaining school safety requires a comprehensive strategy which should not be limited to simply responding to violence when it occurs, through sanctions; e.g., suspensions, detentions, expulsions
- legislative changes should enable and encourage programs and practices that focus on the prevention of serious disruptive behaviours as well as the rehabilitation of all students who are affected by such behaviours: victims, witnesses and perpetrators
- students need to be given opportunities to take responsibility for maintaining safe and caring schools, through meaningful and appropriate participation in those decisions which affect them
- legislation to promote safe learning and teaching environments must promote development of pro-social behaviours, not simply list new ways of controlling and disciplining disruptive behaviours.

## **Background Information**

### ***Defining Violence***

Although it sometimes helpful to define school violence in broad terms, lumping together disruptive behaviours with more serious acts of violence can result in misleading and startling statistics. Individual schools may see the nature and extent of violence differently depending on the tolerance levels of individual teachers, as well as the way in which administration has identified unacceptable behaviours through school discipline codes. Ten years ago, there were concerns that grouping behavioural or discipline problems together with crime and violence would lead to public hysteria fuelled by inconsistently reported "statistics." Clear policies and effective programs depend on a definition of violence that is clear, consistent, reasonable and meaningful.

### ***Nature and Extent of School Violence***

The limited amount of Canadian research on the nature and extent of school violence has focused largely on gathering adult perceptions — teachers, principals and parents. Studies that have asked students directly, such as Smith, Bertrand, Arnold & Hornick's 1995 work with 962 junior and senior high school students in Calgary, found that the most common victimizations identified were:

- having something stolen (55.6 per cent)
- having something damaged (43.6 per cent)
- being threatened (42.3 per cent)
- being slapped or kicked (37.1 per cent).

Research in the Edmonton area (MacDonald, 1995) indicates that over one-half of the 231 junior high school students surveyed had experienced physical forms of violence and considered bullying to be a "very big" or "big" problem in their schools.

### ***The Minister's Safe and Caring Schools Initiative***

In March 1995, the Minister of Education announced a \$450 000 initiative aimed at maintaining safe and caring schools in Alberta.

The goals of this three-year initiative are to:

- better understand the nature and extent of the problem in Alberta's schools
- provide an understanding of the complex issues underlying serious disruptive behaviours
- develop and implement recommended practices and policies designed to effectively deal with school violence and serious disruptive behaviours.

This initiative has generated four major projects:

1. A collaborative effort of the three Alberta faculties of education to:
  - a) research the nature and extent of school violence
  - b) provide perspectives for understanding and developing effective policies, practices and programs
  - c) host annual institutes for school staff
  - d) develop resource materials for schools.

2. A student-centered *Let's Talk Conference* related to issues students identify as relevant and important to them.
3. The design and development of materials by the Alberta Teachers' Association, for use by teachers, parents and students to encourage school practices which model and reinforce socially responsible and respectful behaviours. This initiative is expected to address each grade level, concluding in 1998 with Grades 8–12.
4. The development of a resource manual for school staff which will provide information on preventative strategies and information on how to respond effectively should a crisis occur.

## ***Legal Implications of School Violence***

As society has shifted more toward the rights of individuals, school administrators' moral and legal obligations to provide violence-free schools have become more complex. In accordance with *School Act* Section 15(e), educators must "maintain order and discipline" in their schools. This means they are required to deal with incidents of violence in schools. School administrators may be found liable for negligence in supervision; for example, for allowing violent acts to occur, especially if there is evidence of a student's violent nature and no steps taken by the administrator to intervene.<sup>1</sup> At the same time, it is assumed that school authorities will follow the fundamental principles of justice when enforcing school rules.<sup>2</sup>

For example, before assigning formal discipline such as a suspension:

- the student affected by the rules must be made aware of those behaviours or conduct that are prohibited
- the rules must be stated in an obvious way so that there is a clear understanding of what is unacceptable, and what the consequences will be of failing to comply with the rules
- the school authority must follow due process and provide the student with the opportunity to present his or her side of the story.

Although there is continued public pressure for the government to impose tougher regulations or legislation to deal with violent incidents at schools, there is nothing in case law or current statutes which prohibits schools from doing so. Moreover, the courts have decided on many occasions that the statutory obligations of teachers take priority over some of the legal rights of students.<sup>3</sup>

The most recent concern of educators, regarding the sharing of information on violent offenders, has been addressed in the amendments to the *Young Offenders Act* (Bill C-37). Disclosure of information as amended in Section 38, is no longer for the sole purpose of complying with a court order. Rather, information can be shared if it is believed necessary to ensure safety of staff, students or others.

# Legislation: The Alberta School Act

In February 1996, the Minister of Education invited the education community and its partners to formally discuss and offer suggestions on how to best maintain safe and caring learning and teaching environments in Alberta schools. He asked that proposed strategies take into account the option to change legislation, if necessary, to deal with issues surrounding violence in schools:

*I have provided an open invitation to all school jurisdictions to provide recommendations to me as minister with respect to amendments that they would want to see . . . I have not received any specific recommendations as to amendments to the legislation. Should they come forward, I would certainly on behalf of the government be prepared to give them every consideration."*

Alberta Hansard 81, February 20, 1996

An invitation has now been extended by the Minister of Education to the education community and its partners, to formally discuss how to best maintain safe and caring learning and teaching environments in Alberta's schools.

## Recommendations

Recent amendments to the *Young Offenders Act* have allowed for the sharing of information on an offender when necessary to maintain safety in the school. It has been left to the provinces to determine how to define a "safe school." Defining this term in the *School Act* offers an excellent opportunity to revisit other sections of the *Act*, which may benefit from revisions to promote safe and caring schools.

The following are suggested changes to the Alberta *School Act* that address:

- statutory interpretation
- expectations of students
- expectations of schools
- suspension and expulsion of students
- order and discipline in schools
- due process.

### Statutory Interpretation

A common understanding of "safe schools" is necessary to provide consistency of meaning, especially in light of changes to the *Young Offenders Act*. Alberta Education has recently set a clear protocol on the disclosure of information regarding young offenders. The addition of an interpretive clause in the *School Act*, defining what a "safe" school is, might reduce any inconsistencies in how decisions are made regarding the disclosure of information.

Add to the Preamble (page 9):

*"Whereas students have the right and responsibility to learn in a safe and caring school which supports respectful and responsible behaviours."*

Add to the Interpretation (page 11):

*"safe and caring school" means an environment wherein all of its members are secure from danger, harm or loss and accorded respect and dignity.*

## ***Expectations of Students***

Legislative changes to support safe and caring schools must reflect educational goals, not those of criminal law. An ever-expanding list of unacceptable behaviours is not recommended. Instead the emphasis should be on positive expectations of students as they relate to educational outcomes. In conforming with the fundamental principles of justice,<sup>4</sup> students are expected to understand the rules that apply to socially respectful and responsible behaviour. Gender-sensitive language also should be used.

Change the wording of Section 7 to:

*"Students shall behave so as to reasonably comply with the following code of conduct:*

- a) be diligent in pursuing *their* duties
- b) attend school regularly and punctually
- c) cooperate fully with everyone authorized by the board to provide education programs and other services, *in accordance with this Act*
- d) *understand and comply with the rules of the school*
- e) *be accountable for their conduct and behaviour*
- f) respect the rights of others."

## ***Expectations of Schools***

The *School Act* should offer a framework, not a prescription, to local school districts so that they can work collaboratively with their communities to build safe and caring schools. The following statements are necessary to maintain consistency with the proposed changes to the preamble (page 9), thereby involving teachers, principals, superintendents as well as school boards as partners in achieving these shared goals. The proposed changes reflect the shift to teaching and empowering students to regulate their own behaviours and take more responsibility for the safe environment of their schools.

Change the wording of Section 13(d) to:

*"encourage and foster learning in students *within a safe and caring environment which supports respectful and responsible behaviour.*"*

Change the wording of Section 15(c.1) to:

*"ensure that students in the school have the opportunity to meet the standards of education set by the Minister, *taught within a safe and caring environment which supports respectful and responsible behaviour.*"*

Add Section 28(1.1):

*"A board shall ensure that each of its resident students is provided with a safe and caring environment which supports respectful and responsible behaviour."*

Change the wording of Section 94(4)(b) to:

“ensure that students in the school have the opportunity to meet the standards of education set by the Minister, *taught within in a safe and caring environment which supports respectful and responsible behaviour.*”

## **Suspension and Expulsion**

In 1994, the addition of Section 19(1.1) to the *School Act* broadened the powers of school boards to respond to violent students: “*a student may be suspended or expelled for any reason the teacher, the principal or the board as the case may be, considers appropriate.*” This amendment provided principals with a high degree of discretionary authority. The amendment did not address strategies for the prevention of school violence or rehabilitation of suspended students. It is hoped that school boards will accept the responsibility of providing their schools with the direction and resources necessary to effectively respond to those conditions and behaviours that threaten the physical and psychological safety and well-being of staff and students.

Move Section 44(3)(a):

“A board *may* make rules respecting the suspension and expulsion of students” to Section 44(1)(e): “A board *must* make rules respecting the suspension and expulsion of students.”

## **Order and Discipline**

Currently, Sections 13 and 15 are unclear on how the responsibility to “maintain order and discipline” is to be achieved. Behavioural expectations often differ among schools, and even among individual classrooms. This shows how difficult it can be to define these terms consistently. If we agree that one of our goals is to encourage strategies aimed at the teaching of pro-social behaviours, in addition to regulating behaviours that seriously jeopardize teaching and learning, perhaps a rewording of these sections of the *School Act* would better communicate such goals.

Change the wording of Section 13(f) to:

“ensure, under the direction of the principal, *that as far as is reasonable and practicable to do so, every student for whom the principal is responsible, understands and complies with the rules of the school*”

Change the wording of Section 15(e) to:

“ensure, under the direction of the board, *that as far as is reasonable and practicable to do so, every student for whom the board is responsible, understands and complies with the rules of the school*”

## **Due Process**

The requirement that students understand the rules implies that a process be in place to achieve this goal. Therefore, boards would be strongly encouraged to develop a district policy on meeting this goal at the school-level. This provision is similar to that already in place for board employees (see Section 44(1)(d)).

Add Section 15(e)(1):

“ensure *that the rules are understood and made available to those who are affected by the rules*” (ref. Section 7(d))

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## Summary

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Those behaviours that seriously jeopardize effective teaching, learning, fundamental rights or the safe operation of a school must be dealt with. There is nothing in the *School Act* that compromises the ability of school personnel to do so today. For example, in 1994, changes to Section 19 of the *School Act* broadened the powers of schools to suspend or expel a student for “any reason . . . consider[ed] appropriate.” The powers of school authorities to discipline are very broad and have been upheld more often than not, when challenged in court.

Maintaining school safety should involve more than restrictions, controls and sanctions through discipline programs; e.g., suspensions, detentions, expulsions. Such measures focus primarily on response to violent behaviours. Every effort should be made to balance negative controls with prevention and rehabilitation. Recent amendments to the *Young Offenders Act*,<sup>5</sup> resolutions passed by the Alberta School Boards Association and the development of resource material for schools by the Alberta Teachers’ Association recognize the benefits of programs which address prevention as well as respond to violence. What is needed at this time is a legislative response which will focus the efforts and resources of schools and communities on preventing serious disruptive behaviours as well as on effectively responding to those students who are affected by such behaviours — victims, witnesses and offenders.

Any changes to legislation to promote safe learning and teaching environments must reflect educational goals to develop pro-social behaviours, not just list new ways to control and discipline disruptive behaviours. Amendments to the *School Act* should demonstrate a re-affirmation of schools as safe and caring communities, which reflect social justice, tolerance, respect and understanding for the staff and students within. This could be achieved through changes that address positive and preventative practices, not simply punitive responses.

As we approach the next millennium, we have an opportunity to develop a new model for dealing with the behaviour of students in our schools. The legislative changes proposed in this document will guide actions which are consistent with much of what is already evident in many schools:

- a balance between educational efforts which address preventative strategies and practices, and initiatives involving consequences for violent behaviours
- a balance between reducing violence and promoting safe and caring school communities
- a recognition of student rights as well as responsibilities
- providing students with opportunities for meaningful involvement in maintaining safe and caring schools.

Good laws and good policies respond and adapt to the changing needs and circumstances of society. It is the role of legislation to reflect those needs. Rather than simply continuing to preserve “order and discipline,” by listing behaviours or conditions that will not to be tolerated, perhaps we would be better served by defining desirable outcomes, such as:

- the characteristics of a safe and caring school
- the pro-social skills students should acquire
- the collaborative role each educational partner could play in creating nurturing learning environments for students.

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## End Notes

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- <sup>1</sup> Wenden v. Trikha (1991), 116 A.R. 81 (Alta. Q.B.).
- <sup>2</sup> These principles were defined by Justice Fauteux in R. v. Duke (1972): to mean that the tribunal that adjudicates upon his rights must act fairly, in good faith, without bias and in a judicial temper, and must give to him the opportunity adequately to state his case.
- <sup>3</sup> Note to Regina v. J.M.G. (1986), 56 O.R. (2d) 705 (C.A.).
- <sup>4</sup> These principles were defined by Justice Fauteux in R. v. Duke (1972): to mean that the tribunal that adjudicates upon his right must act fairly, in good faith, without bias and in a judicial temper, and must give to him the opportunity adequately to state his case.
- <sup>5</sup> Paragraph 3(1)(a) of the *Young Offenders Act* reads: “crime prevention is essential to the long-term prevention of society and requires addressing the underlying causes of crime by young persons and developing multidisciplinary approaches to identifying and effectively responding to children and young persons at risk . . .”

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